THE HON'BLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.19086 of 1999

Dated: 12-08-2005

Between:

Mr. Y. Thippanna. ..Petitioner.

And

The Managing Director, APSSIDC,

Hyderabad, and two others.

..Respondents.

THE HON'BLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.19086 of 1999

O R D E R:

This writ petition is filed seeking a Mandamus to declare the action of the respondents in not paying the terminal benefits under Voluntary Retirement Scheme to the petitioner as arbitrary and illegal, and consequently to direct the respondents to pay the terminal benefits with interest at the rate of 18% p.a., to the petitioner,

forthwith.

It is the case of the petitioner that in the month of June, 1976, he was appointed as a Senior Work Superintendent in the respondent-Corporation and later, he was designated as Chief Project Manager in Vizag. Subsequently he was shifted to Head Office as 'Deputy Manager', Credit Control Cell. It is also stated that he discharged his duties to the utmost satisfaction of all concerned, brought laurels to the respondent-Corporation, saved lot of expenses and also increased productivity and profit margin. While so, based on false and baseless complaints made against the petitioner, repeated enquiries were held and subsequently, these cases were entrusted to A.C.B. authorities, which also enquired into the matter for a long time and ultimately filed a criminal case. In the meanwhile, the respondent-Corporation also conducted enquiries into the misconduct alleged against the petitioner and on 15-01-2001, the enquiry officers submitted reports stating that no case was made out against the petitioner and he was found not guilty of the charges framed against him and was declared innocent.

In the meanwhile, on 29-05-1999, the petitioner opted for voluntary retirement under the Voluntary Retirement Scheme introduced by the respondent-Corporation in the year 1995 and on the same day, the respondent-Corporation accepted the same and he was relieved from duties on 31-05-1999. As per Clause (h) of said Voluntary Retirement Scheme, all the terminal benefits are supposed to be paid within thirty days. However, in view of the pendency of enquiries, the respondent-Corporation has not paid a single pie to the petitioner.

The grievance of the petitioner is that even after he was found not guilty of the charges framed against him and was declared innocent, the respondent-Corporation has not yet paid the terminal benefits to the petitioner.

A detailed counter-affidavit has been filed on behalf of the respondents denying the allegations made by the petitioner.

I have given my earnest consideration to the submissions made by the learned counsel on either side and perused the material available on record.

There is no dispute with regard to the facts that the petitioner had applied for voluntary retirement on 29-05-1999 and was relieved from duties on 31-05-1999 and that in the enquiries which were initiated long back i.e., in the year 1988 were ended in declaring the petitioner as innocent in the year 2001 and that the amounts due to the petitioner were not paid so far. In view of the circumstances, it is not proper on the part of the respondent-Corporation to withhold the terminal benefits payable to the petitioner. Therefore, the denial of payment of terminal benefits under voluntary retirement scheme to the petitioner is arbitrary and illegal.

The writ petition is accordingly allowed and the respondents are directed to pay the terminal benefits under voluntary retirement scheme to the petitioner, as per his eligibility, along with interest at the rate of 12% p.a., from 15-01-2001, within a period of two months from the date of receipt of a copy of this order. No costs.

_____ **(C.V.RAMULU, J)**

Dated: 12-08-2005

ghn